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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : ANGELICA BORMANN ET AL.
SERIAL NO. : 09/557,376
FILED : April 25, 2000
FOR : STABLE ACTIVE INGREDIENT COMBINATIONS WHICH
ARE EFFECTIVE AGAINST BLEMISHED SKIN AND
AGAINST ACNE AND CONTAIN INTERFACE-ACTIVE
GLUCOSE DERIVATIVES AND HYDROXYCARBOXYLIC
ACIDS
ART UNIT : 1619
EXAMINER : L. Wells

October 4, 2001

Hon. Commissioner of Patents
Washington, D.C. 20231

**RESPONSE TO COMMUNICATION HOLDING PREVIOUS RESPONSE
TO RESTRICTION REQUIREMENT NON-RESPONSIVE**

SIR:

Applicants submit that the above-identified communication is in error, and respectfully request that it be withdrawn. According to the communication, "Applicant failed to elect a species for the hydroxycarboxylic acid, the glucose derivative, and the interface substance." However, Applicant clearly did make such an election. Thus, the very first paragraph on page 7 of the Remarks read as follows:

“In formal compliance with the restriction requirement, Applicants hereby elect with traverse to prosecute the species *lactic acid* for component (a) and the species *polyglyceryl(3) methylglucose distearate* (see the specification at page 9, lines 6-10) for components (b) and (c) in combination.”

Since component (a) corresponds to the hydroxycarboxylic acid, and components (b) and (c) correspond to the glucose derivative and the interface substance, respectfully, it should be clear that Applicants did, in fact, make a species election for each of the hydroxycarboxylic acid, the glucose derivative and the interface substance. The reference to the specification at page 9, lines 6-10, makes clear that the species polyglyceryl(3) methylglucose distearate satisfies both components (b) and (c), as this species is taught to be a mixture of compound A2, which corresponds to component (b), and the compound B1, which corresponds to component (c).

Respectfully, it is not understood what more is required. In the event the Examiner still believes that the election is defective, Applicants respectfully request that the Examiner acknowledge the election, then explain exactly what the species selected do not satisfy the election request.

In view of the fact that the Communication clearly is in error, Applicants do not believe

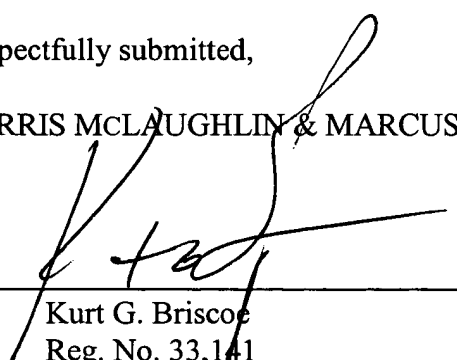
that any petition for extension of time is required. However, should the Commissioner determine otherwise, then Applicants respectfully request that this be considered to be a petition therefor, and the Commissioner is authorized to charge any fees due to Deposit Account No. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By


Kurt G. Briscoe
Reg. No. 33,141

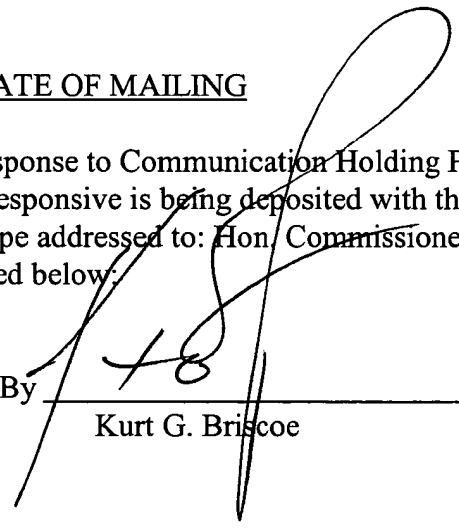
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I hereby certify that the foregoing Response to Communication Holding Previous Response to Restriction Requirement Non-Responsive is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: October 4, 2001

By


Kurt G. Briscoe

1619

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(To be used for all correspondence after initial filing)

Application Number	09/557,376
Filing Date	April 25, 2000
First Named Inventor	Angelica BORMANN et al
Group Art Unit	1619
Examiner Name	L. Wells
Attorney Docket Number	Beiersdorf 613-KGB

Total Number of Pages in This Submission

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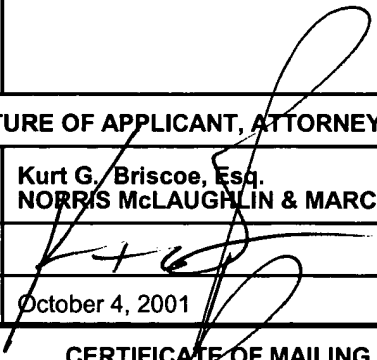
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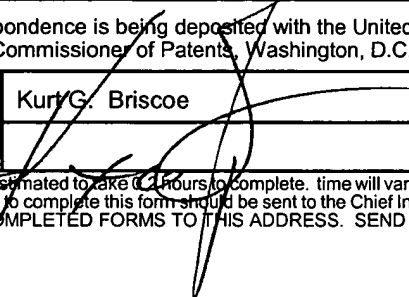
Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt G. Briscoe, Esq. NORRIS McLAUGHLIN & MARCUS, P.A.
Signature	 Reg. No. 33,141
Date	October 4, 2001

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Typed or printed name	Kurt G. Briscoe		
Signature		Date	October 4, 2001

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